



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,639	09/23/2003	Shun-Min Chen	17041	2174
23389	7590	10/06/2004	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			CONLEY, FREDRICK C	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

lf

Office Action Summary	Application No.	Applicant(s)
	10/668,639	CHEN, SHUN-MIN
	Examiner Fredrick C Conley	Art Unit 3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 July 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 17-24 is/are allowed.
- 6) Claim(s) 6-8, 12 and 13 is/are rejected.
- 7) Claim(s) 9-11 and 14-16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

Claim Objections

Claim 17 is objected to because of the following informalities: The Applicant recites "rod is locate din the" (line 7). Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 2,663,029 to Whitley et al. in view of U.S. Pat. No. 513,246 to Parliaman.

Claim 6, Whitley discloses an inclination adjusting device comprising:

a bedplate 12;

a backrest 18;

a band 38 for leveling the backrest; and

wherein the angle of the backrest relative to the bedplate is adjustable by movement of a supporting rod 42. Whitley fails to disclose a backrest provided with a sliding slot. Parliaman discloses an adjusting device having a backrest with a sliding slot (2b) thereon and a supporting rod 3 pivotally connected to a bedplate and slidably passing through the sliding slot. It would have been obvious to employ a sliding slot as taught by Parliaman in order to provide an alternative adjustment means to the device of Whitley.

Claim 7, wherein the backrest and the bedplate are integrally formed into one single component once they are pivotally connected to each other.

Claim 8, wherein the backrest is provided with a hole or space between the backrest frame 20 and the flexible backing 32 and capable of facilitating the backrest being hooked upwardly by a finger of a user passing through the hole.

Claim 12, Whitley discloses an inclination adjusting device comprising:

a bedplate 12;

a backrest 18;

a band 38 for leveling the backrest;

wherein the angle of the backrest relative to the bedplate is adjustable by movement of a supporting rod 42;

wherein the backrest and the bedplate are integrally formed into one single component once they are pivotally connected to each other. Whitley fails to disclose a backrest provided with a sliding slot. Parliaman discloses an inclination adjusting device having a backrest with a sliding slot (2b) thereon and a supporting rod 3 pivotally connected to a bedplate and slidably passing through the sliding slot. It would have been obvious to employ a sliding slot as taught by Parliaman in order to provide an alternative adjustment means to the device of Whitley.

Claim 13, wherein the backrest is provided with a hole or space between the backrest frame 20 and the flexible backing 32 and capable of facilitating the backrest being hooked upwardly by a finger of a user passing through the hole.

Allowable Subject Matter

Claims 17-24 are allowed.

Claims 9-11 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 6-8 and 12-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FCN

michael f. trettel
MICHAEL F. TRETEL
PRIMARY EXAMINER
ART UNIT 358